ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR VARIANCE
N/S Chestnut Woods Court,
2,750' W of c/l Dover Road
(2614 Chestnut Woods Court)

4th Election District 3rd Councilmanic District

Rex Λ. Kowalewski, et ux Petitioners * REFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-391-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Rex A. and Paula A. Kowalewski. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 42 feet in lieu of the required 50 feet for a proposed dwelling and attached garage. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Rex Kowalewski, property owner, and Dwight Little, Professional Engineer with W. Duvall and Associates, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 4.9835 acres, more or less, zoned R.C.5 and is presently unimproved. Although the property is nearly 5 acres in area, it is an irregular, roughly V-shaped parcel with a buildable area of only .20 acres. The Petitioners are desirous of developing the property with a single family dwelling and attached garage; however given the unusual configuration of the lot and other site constraints (forest buffer and conservation easements), a variance is necessary to allow a side setback of 42 feet in lieu

of the required 50 feet. Testimony indicated that the proposed dwelling does not fit within the specified building envelope because of the attached garage. If the garage were not attached, no variance would be necessary, even if the garage was separated from the house by only a few inches. However, by attaching the garage to the dwelling, an encroachment into the required side setback results and thus, a variance is necessary. Testimony indicated that the house has been oriented to minimize the amount of relief requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented,

1 am persuaded to grant the requested variance. It has been established
that special circumstances or conditions exist that are peculiar to the
subject property and that strict compliance with the zoning regulations
will result in a practical difficulty or unreasonable hardship for the

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By

Petitioners. There were no adverse comments from any Baltimore County reviewing agency nor opposition from any adjoining property owners. Thus, it appears that the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of June, 1998 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 42 feet in lieu of the required 50 feet for a proposed dwelling and attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

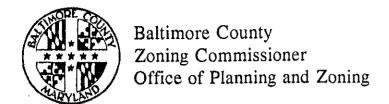
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 15, 1998

Mr. & Mrs. Rex A. Kowalewski 1546 Marco Drive Pasadena, Maryland 21122

RE: PETITION FOR VARIANCE

N/S Chestnut Woods Court, 2,750' W of c/l Dover Road

(2614 Chestnut Woods Court)

4th Election District - 3rd Councilmanic District

Rex A. Kowalewski, et ux - Petitioners

Case No. 98-391-A

Dear Mr. & Mrs. Kowalewski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Lewthey Hobroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Dwight Little, W. Duvall & Associates, Inc. 530 E. Joppa Road, Towson, Md. 21286

People's Counsel; Case Files



Petition for 1

e Variance

to the Zoning Commissioner of Baltimore County

amended Sotition T. Kome

for the property located at 2614 Chestnut Woods Court

which is presently zoned

RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A 04.3.15.3

To allow a side yard setback of 42' in lieu of the required 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Due to the existing lot constraints (Forest Buffer and Forest Conservation Easements), the buildable area of the lot is minimal. The total lot area is 4.98 acres; the buildable area is approximately 0.20 acres. The proposed house does not fit within the building envelope due to the attached garage. If the garage was detached from the house, even if only separated by inches, no variance would be required. The owner desires to have the garage attached to the house, which results in a 42' side yard setback in lieu of the required 50'. The house has been oriented to minimize the amount of relief requested.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			410 583-9571
City	State	Zipcode	S30 E. JORPA Rd Towson MD ZIRBY
Address	Phone	No No	Name
,			to be contacted. Chuck MERRITT
Signature			Pasadena, Maryland 21122 City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative
(Type or Print Name)			1546 Marco Drive 410-360-1555 Address Phone No.
Attorney for Petitloner.			
City	State	Zipcode	Signature U. Mouselussi
Address			(Type or Print Name)
Signature		,	Signature Paula A. Kowalewski
			Kx allen Tousemli
(Type or Print Name)			Rex Allen Kowalewski (Type or Bant Name)
Contract Purchaser/Lessee:			Legal Owner(s):
			legal owner(s) of the property which is the subject of this Petition.

ZONING DESCRIPTION FOR 2614 Chestnut Woods Court

Beginning at a point on the North side of Chestnut Woods Court which is 50' wide at the distance of 2750' West of the centerline of the nearest improved intersecting street Dover Road which is 60' wide. Being Lot #24 in the subdivision of Chestnut Woods as recorded in Baltimore County Plat Book #69, Folio #42, containing 4.98 acres. Also known as 2614 Chestnut Woods Court and located in the 4th Election District, 3rd Councilmanic District.

NOTICE OF ZONING

The Zoning Commissioner of Baltimpre County, by authority of the Zoning Act and Regulations of Baltimpre County will hold a public hearing in Towson, Maryland on the property Identified herein as follows:

Case. #98-391-A
2614 Chestnut Woods Court
N/S Chestnut Woods Court
N/S Chestnut Woods Court
N/S Chestnut Woods Court
1750' W of centerline
Dover Road
4th Election District
1rd Councilmanic District
Legal Owner(s)
Rex Allen Kowalewski
Variance: to allow a side
vard setback of 42 feet in lieu
of the required 50 feet.
Héaring: Tuesday, June 2,
1998 at 11:00 a; m., in Room
407, County Courts Bidg.,
100 Saley Avenus.

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimpre County NOTES: (1) Hearings are Handidapped Accessible: for Special accommodations Please Call (410) 887-3353. (2) For Information concern-ing the File and/or Hearing, Please Call (410) 887-3391.

5/101 May 14 c228174

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/14/ , 19 98
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on 514 , 19 98
THE JEFFERSONIAN,
a. Henrelesar

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MAR' ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	053140		PAID REI		TORE	1,18
1	<u>-001-</u>		4/18 920 178	71990 4/ 1 CASILIE SCELLANOUS N	17/1998 R (1186	IL:29:18	
RECEIVED DUVALLE + ASSOC	IN			Daltimore	County,	50.00 theol NarvLand	(
FOR: 364 Chestnul N	Joseph (Ct) 28 1		```
VARIANZE		AQ-3	91			. '	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		10	do di	CASHIE	R'S VAL	IDATION	an kakka k

RU Case No.

98-391-A

C/O W. DUVALL, ASSOC

Date of Hearing/Closing 6/2/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, MD 21204

Attention; Ms. Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of pequive that the necessary sign(s) required by law

were posted conspicuously on the preperty located at END CHESTROT WOODS

COURT- ONSITE

The sign(s) were posted on ____

5/15/90 (Month, Day Year)



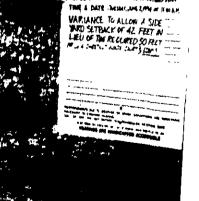
PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE.

(Address)
HUNT VALLEY, MD, 21030

(City, State, Zip Code)

410-666:5366 ; CELL-410-905-8571 (Telephone Number)



*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Petit	ioner(s)					*		Case Nu	mber: 98	3-391-A			
Lega	al Owner	s: Rex	A, and P	aula A. l	Kowalew	⁄ski	*		BALTIM	ORE CO	OUNTY			
	RE: PETITION FOR VARIANCE 2614 Chestnut Woods Court, N/S Chestnut Woods Ct, 2750' W of c/l Dover Rd, 4th Election District, 3rd Councilmanic				.c.,	*		FOR						
261						*		ZONING COMMISSIONER						
20. 274	DEMIN	*****************		A 3 7 60 TO			*		BEFORE	THE				

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

arole S. Demilio

Old Courthouse, Room 47

400 Washington Avenue

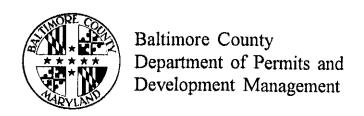
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioner(s).

Peter Marc Zimmeimen PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 27, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-391-A 2614 Chestnut Woods Court

N/S Chestnut Woods Court, 2750' W of centerline Dover Road

4th Election District - 3rd Councilmanic District

Legal Owner: Rex Allen Kowalewski & Paula A. Kowalewski

Variance to allow a side yard setback of 42 feet in lieu of the required 50 feet.

HEARING:

Tuesday, June 2, 1998 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: W. Duvall & Assoc. Inc. Paula & Rex Kowalewski

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 18, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

May 14, 1998 Issue - Jeffersonian

Please forward billing to:

Rex A. & Paula A. Kowalewski

410-360-1555

1546 Marco Drive

Pasadena, MD 21122

NOTICE OF ZONING HEARING

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2614 Chestnut Woods Court
N/S Chestnut Woods Court, 2750' W of centerline Dover Road
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Tuesday, June 2, 1998 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

awrence E. Schmidt 54)

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS: .

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

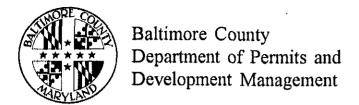
·	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
	d =
Item No.: 39 Petitioner: REX A	
Location: 3614 Chestnur wood	S COURT
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: BEX A. & PAULA A. K	OWALEWSKI
ADDRESS: 1546 MARCO DRIVE	
FASADENA, MARYLAND	21122
PHONE NUMBER: (410) 360 1555	
	10.201.0

Exhibit B Request for Zoning: Variance, Special Exception, or Special Hearing Date to be Posted: Anytime before but no later than . Format for Sign Printing, Black Letters on White Background: **ZONING** NOTICE Case No.: 98-391-A A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD PLACE: DATE AND TIME: TO CONFIRM HEARING CALL 887-3391.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 27, 1998

Mr. and Mrs. Rex Kowalewski 1546 Marco Drive Pasadena, MD 21122

RE: Item Number: 391

Case Number: 98-391-A

Petitioner: Rex Kowalewski, et ux

Dear Mr. and Mrs. Kowalewski:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 17, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures

ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

MOP

FROM:

R. Bruce Seeley . A.B. / O. Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: april 27 98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

380

384

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 6, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for May 4, 1998

Item Nos. 380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 391 and

392

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor David L. Winstead

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.24.57
Item No.

No. 391 CAM

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Doel be

Ar Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: April 28, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 380, 383, 385, 388, 390, and 391

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffy M. Lay

Division Chief: Cary L. Klern

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

May 6, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF APRIL 27, 1998

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

379, 380, 383, 385, 387, 388, 389, 390, 391 AND 392

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

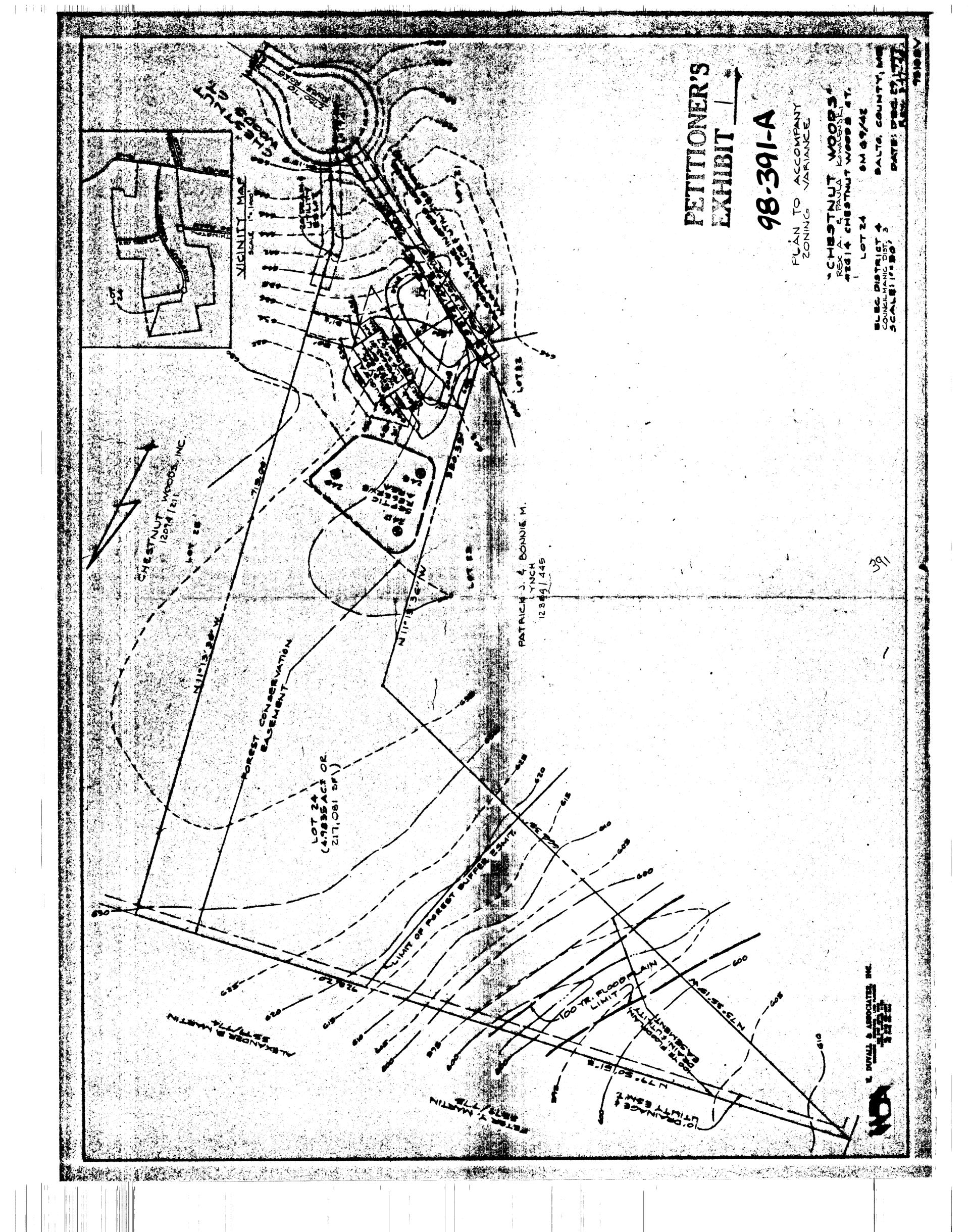




PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	W. Duvall + Associates, Inc., 530 E. Ja
Daraht Little	Tarson MD 21286
Dought Little Rex Kovalewski	1546 MARCO DR. Pasadang Md. 21122





ONING

